

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
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This document relates to:

Burnett, et al. v. Islamic Rep. of Iran, et al., No. 15-cv-9903 (GBD)(SN)

**PLAINTIFFS' NOTICE OF MOTION FOR ENTRY OF PARTIAL FINAL DEFAULT
JUDGMENTS ON BEHALF OF NON-NATIONAL IMMEDIATE FAMILY MEMBERS
(OR THEIR FUNCTIONAL EQUIVALENTS) OF NON-NATIONAL 9/11 DECEDENTS**

(BURNETT NON-NATIONALS 4)

PLEASE TAKE NOTICE that upon the accompanying Declaration of John M. Eubanks (“Eubanks Declaration”), with exhibits, and the accompanying memorandum of law, Plaintiffs in the *Burnett* action pending before the Court seek partial default judgment awarding the Plaintiffs included in the exhibits to the Eubanks Declaration (the “Moving Plaintiffs”):

- (1) damages for intentional infliction of emotional distress under state law for immediate family members (Moving Plaintiffs on Exhibit A) who were not U.S. nationals on September 11, 2001 (in this instance spouses, parents, children, and siblings, or the estate of a spouse, parent, child, or sibling) of non-U.S.-national 9/11 decedents in the same per plaintiff amounts previously awarded as solatium damages by this Court to various similarly situated plaintiffs;
- (2) designation as functional equivalents of immediate family members for the Moving Plaintiffs on Exhibit B and damages for intentional infliction of emotional distress under state law for the Moving Plaintiffs on Exhibit B who were not U.S. nationals on September 11, 2001 and whose claims arise from their loss of a non-U.S.-national 9/11

- decendent in the same per plaintiff amounts previously awarded as solatium damages by this Court to various similarly situated plaintiffs;
- (3) prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment;
- (4) permission for the Moving Plaintiffs to seek punitive damages or other damages at a later date; and
- (5) for all other *Burnett* Plaintiffs whose claims are subject to the jurisdiction of this Court against the Islamic Republic of Iran, the Islamic Revolutionary Guard Corps, and the Central Bank of the Islamic Republic of Iran (collectively the “Iran Defendants”) solely under the exception to sovereign immunity found at 28 U.S.C. § 1605B(b), to submit applications for damages awards in later stages, to the extent such awards have not previously been addressed.

Plaintiffs’ request is made in connection with the judgment for default as to liability entered against the Islamic Republic of Iran, the Islamic Revolutionary Guard Corps, and the Central Bank of the Islamic Republic of Iran (collectively, “the Iran Defendants”) in the *Burnett* case that was sought on April 30, 2024. *See* ECF No. 9733.

Dated: June 19, 2024

Respectfully submitted,

MOTLEY RICE LLC

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